

Remarks

On September 12, 2007 the undersigned participated in a telephone interview with examiner Rooney and supervising examiner Haddad. The undersigned thanks these examiners for the courtesy of the interview and their helpful suggestions.

It was noted by the undersigned that:

(a) the homogenation process would fragment the marker protein (and thus the claims did cover what was regarded as the invention);

(b) the antiphosphotyrosine antibody could detect the phosphorylated versions, and in any event the application taught how to make monoclonal and polyclonal antibodies which would do so as well;

(c) there was no omitted step as the claims did recite contacting, detection and evaluation steps, and in any event methods for contacting the phosphorylated versions were in the claims;

(d) the specification did enable and describe, as well, antibodies to bind to the marker protein or its fragments;

(e) the specification did describe relevant size parameters for the gel visualization technique.

After discussing these points examiner Haddad noted that the only remaining PTO concern related to the desire for a confirmation that the antiphosphotyrosine antibody would not be picking up unrelated fragments in such quantities that would create a high risk of false negatives. While Applicant pointed out that the monoclonal/polyclonal disclosure in the original specification would in any event resolve that concern, examiner Haddad noted that the concern could be addressed by Applicant submitting a declaration confirming that such "noise" has not been a problem given the perceived specificity under test conditions.

The enclosed declaration confirms that under the taught conditions only the relevant fragment shows up in any meaningful quantity in the size range. Further, it confirms that even if one overexposed the visualization process the contrast between a healthy patient marking and the type of background clutter caused by the overexposure, still would typically leave one skilled in the art able to easily determine whether the healthy patient marking is still present in essentially the expected healthy patient amounts.

Conclusion

Hence, after consideration of the attached declaration, this application is now believed to be in condition for allowance. No additional fee is believed necessary for the consideration of the enclosed declaration and interview summary. However, if one is, please charge Deposit Account 17-0055 for the needed fees.

Dated: September 21, 2007

Respectfully submitted,

Majed M. Hemawy

By: _____

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